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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,364	09/22/2005	Arun Kumar Dhar	026086-041,-28US	5198
24239 7590 08/10/2010 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				
EXAMINER DEVI, SARVAMANGALA J N				
ART UNIT 1645		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/525,364

**Applicant(s)**

DHAR ET AL.

**Examiner**

S. Devi, Ph.D.

**Art Unit**

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5-10, 12, 17-26 and 32-38 is/are pending in the application.
- 4a) Of the above claim(s) 1, 5-10, 12 and 35-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-26 and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **RESPONSE TO APPLICANTS' AMENDMENT**

### **Applicants' Amendment**

- 1) Acknowledgment is made of Applicants' amendment filed 06/02/10 in response to the non-final Office Action mailed 02/02/10.

### **Status of Claims**

- 2) Claims 1, 12, 17, 18, 21, 23-25, 34, 37 and 38 have been amended via the amendment filed 06/02/10.

Claims 1, 5-10, 12, 17-26 and 32-38 are pending.

Claims 17-26 and 32-34 are under examination.

### **Prior Citation of Title 35 Sections**

- 3) The text of those sections of Title 35 U.S. Code not included in this action can be found in a prior Office Action.

### **Prior Citation of References**

- 4) The references cited or used as prior art in support of one or more rejections in the instant Office Action and not included on an attached form PTO-892 or form PTO-1449 have been previously cited and made of record.

### **Rejection(s) Withdrawn**

- 5) The rejection of claim 34 made in paragraph 22(i) of the Office Action mailed 05/14/09 and paragraph 18 of the Office Action mailed 02/02/10 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicants' amendment to the claim.
- 6) The rejection of claim 23 made in paragraph 7(d) of the Office Action mailed 10/02/08 and maintained in paragraph 17 of the Office Action mailed 05/14/09 and paragraph 15 of the Office Action mailed 02/02/10 under 35 U.S.C. §

112, second paragraph, as being indefinite, is withdrawn in light of Applicants' amendment to the claim.

**7)** The rejection of claims 17-26, 32 and 33 made in paragraph 23 of the Office Action mailed 02/02/10 under 35 U.S.C. § 102(e)(1) as being anticipated by Kyle *et al.* (US 2004/0047881 A1, filed 09/05/03, of record), is withdrawn upon further consideration.

**8)** The rejection of claims 17-26, 32 and 33 made in paragraph 24 of the Office Action mailed 02/02/10 under 35 U.S.C. § 102(e)(2) as being anticipated by Sayre *et al.* (US 7,410,637, filed 6/20/01), is withdrawn in light of Applicants' amendment to the claims and/or the base claim. A new rejection is set forth below to address the claims as amended.

Applicants cite case law and contend that anticipation requires the presence, in a single reference, of each and every element of the claimed invention, arranged as in the claim. Applicants allege that the Sayre reference does not meet this standard. Applicants assert that Sayre teaches the induction of an immune response and never discloses, teaches or suggests the binding of receptors in the gut of an animal consuming the expressed recombinant proteins. Applicants argue that the Office, in relying on an intrinsic property which is a theory of inherency, must provide a basis in fact or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teaching of the applied prior art. Applicants state that the Office has not provided persuasive support for an inherent theory and that inherency cannot be established by probabilities or possibilities. Applicants argue that causing an immune response as in Sayre is not analogous to blocking of receptor sites and that there is an important distinction between sitting and blocking a receptor site, as in the

present invention and that of Sayre with a free protein with an epitope that induces an immune response.

Applicants' arguments have been carefully considered, but are not persuasive.

Contrary to Applicants' assertion, the teachings of Sayre *et al.* anticipate the instant claims. The inherency is not established by probabilities or possibilities, but on sound technical reasoning. See below. The very protein or peptide in the very form, i.e., a feed or feed additive, as instantly claimed, was disclosed and used by Sayre *et al.* The prior art product necessarily includes *all* of the elements of the instant claims. Since the prior art clearly teaches the instantly claimed feed or feed additive comprising the recited WSSV protein or the WSSV peptide, any assertions of specific functional properties attributed to the protein or the peptide are merely inherent and do not necessarily make the claimed product patentable. *Ex parte Novitski*, 26 USPQ2d 1389 (Bd. Pat. App. & Inter. 1993) (The Board rejected a claim directed to a method for protecting a plant from plant pathogenic nematodes by inoculating the plant with a nematode inhibiting strain of *P. cepacia*. A U.S. patent to Dart disclosed inoculation using *P. cepacia* type Wisconsin 526 bacteria for protecting the plant from fungal disease. Dart was silent as to nematode inhibition but the Board concluded that nematode inhibition was an inherent property of the bacteria.). In the instant application, the binding function and the function of blocking of, or inhibition or retardation of binding to viral receptors needed for WSSV in the gut of an animal is an inherent property inseparable from the prior art WSSV protein or the prior art WSSV peptide. The two structurally identical proteins or peptides (i.e., the prior art WSSV protein or WSSV peptide and the instantly recited WSSV protein or WSSV peptide) cannot have mutually exclusive properties. The same two proteins or peptides cannot

have mutually exclusive binding and receptor blocking functions. That Sayre's WSSV protein or WSSV peptide contained in Sayre's feed pellets has an additional functional characteristic such as immunogenicity does not preclude it from having the instantly recited functional property, i.e., capacity to bind to and block, or inhibit or retard binding to viral receptors needed for WSSV infection in the gut of an animal.

To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence, such as that of Yi *et al.* Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.' *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Note that as long as there is evidence of record establishing inherency, failure of those skilled in the art to contemporaneously recognize an inherent property, function or ingredient of a prior art reference does not preclude a finding of anticipation. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1349, 51 USPQ2d 1943, 1948 (Fed. Cir. 1999). See MPEP 2124. The alleged failure of Sayre to expressly mention binding and receptor blocking functions is irrelevant. To the extent the feed or the feed additive comprising the WSSV protein or the WSSV peptide in the claimed invention achieves receptor binding and receptor blocking in the gut of an animal, so does the feed or the feed additive of Sayre. Where the result is a necessary consequence of what was deliberately intended, it is of no import that the article's authors did not appreciate the results. See *Mehl/Biophile International Corp. v. Milgraum*, U.S. Court of Appeals Federal Court, 52 USPQ2d 1303 and 1306, 192 F3d 1362, 1999 citing *W.L. Gore & Assocs. v. Garlack, Inc.*, 721 F.2d 1540, 1548, 220 USPQ 303, 309 (Fed. Cir. 1983).

9) The rejection of claim 34 made in paragraph 26 of the Office Action mailed 02/02/10 under 35 U.S.C. § 103(a) as being unpatentable over Kyle *et al.* (US 2004/0047881 A1, of record) or Sayre *et al.* (US 7,410,637, filed 6/20/01) as applied to claim 20 above, and further in view of Nakamura *et al.* (JP 2000354490 A, abstract, of record), is withdrawn. Applicants' arguments have been considered, but are moot in light of the new rejection set forth below.

### **Rejection(s) Maintained**

10) The rejection of claim 18 made in paragraph 7(b) of the Office Action mailed 10/02/08 and maintained in paragraph 15 of the Office Action mailed 05/14/09 and paragraph 13 of the Office Action mailed 02/02/10 under 35 U.S.C. § 112, second paragraph, as being indefinite, is maintained for the reason set forth therein.

Applicants cite case law and contend that introduction of the article 'the' at the position suggested introduces ambiguity in to the claims, because the term peptide stands alone and is no longer connected to the terms 'recombinant viral'.

To obviate the rejection, it is suggested that Applicants replace the limitation 'peptide' in lines 1 and 2 of the claim with the limitation --the recombinant viral peptide--.

11) The rejection of claims 24 and 25 made in paragraph 7(c) of the Office Action mailed 10/02/08 and maintained in paragraph 16 of the Office Action mailed 5/14/09 and paragraph 14 of the Office Action mailed 02/02/10 under 35 U.S.C. § 112, second paragraph, as being indefinite, is maintained for the reason set forth therein.

12) The rejection of claim 18 made in paragraph 22(a) of the Office Action mailed 05/14/09 and paragraph 16 of the Office Action mailed 02/02/10 under 35

U.S.C. § 112, second paragraph, as being indefinite, is maintained for the reason set forth therein.

**13)** The rejection of claims 19 and 21-25 made in paragraph 22(b) of the Office Action mailed 05/14/09 and paragraph 17 of the Office Action mailed 02/02/10 under 35 U.S.C. § 112, second paragraph, as being indefinite, is maintained for the reason set forth therein.

With regard to the rejections of record under 35 U.S.C. § 112, second paragraph, to be definite and clear, it is suggested that Applicants replace the limitation 'peptide' in lines 3 and 5 of claim 17, line 2 of claims 18, 19, 22 and 25, lines 2 and 5 of claim 21, line 1 of claim 23, and lines 1 and 2 of claim 24, with the limitation --the recombinant viral peptide--.

**14)** The rejection of claims 18-26 and 32-34 made in paragraph 22(j) of the Office Action mailed 05/14/09 and paragraph 19 of the Office Action mailed 02/02/10 under 35 U.S.C. § 112, second paragraph, as being indefinite, is maintained for the reason set forth therein.

### **New Rejection(s) Necessitated by Applicants' Amendment Rejection(s) under 35 U.S.C. § 102**

**15)** The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language.

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United



States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

**16)** Claims 17-26, 32 and 33 are rejected under 35 U.S.C. § 102(e)(1) as being anticipated by Kyle *et al.* (US 2004/0081638) as evidenced by Yi *et al.* (*J. Biochem. Mol. Biol.* 37: 726-734, November 2004).

The transitional limitation ‘comprising’ represents open-ended claim language and therefore does not exclude additional, unrecited elements. See M.P.E.P 2111.03 [R-1]. See *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261, 229 USPQ 805 (Fed. Cir. 1986); *In re Baxter*, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981); *Ex parte Davis*, 80 USPQ 448, 450 (Bd. App. 1948) (‘comprising’ leaves ‘the claim open for the inclusion of unspecified ingredients even in major amounts’).

Kyle *et al.* disclosed a feed or a feed additive for a crustacean shrimp comprising one or more expressed recombinant proteins, peptides, or immunogenic epitopes thereof (i.e., truncated proteins or peptides) including VP28, VP24, VP26, or VP19, which inhibit the growth or replication of viral pathogens such as White Spot Syndrome Virus (WSSV). The protein or the peptide is expressed recombinantly via transformed host cells of *E. coli* bacteria, algae such as *Chlorella* strains, yeast such as *Saccharomyces*, or other fungi. See abstract; Figure 2; paragraphs [0022], [0024], [0025], [0044], [0020], [0047] to [0052] and [0059]; Examples 9, 3 and 4; and claims 1-7, 9, 12, 13, 15, 23, 24, 28-33, 35-39, 52-60, 71, 72, 76-82, 84, 86-88, 92, 93 and 97. The recombinantly expressed prior art protein or peptide is at least semi-purified since it does not contain other antigens of White Spot Syndrome Virus. Since the prior art one or more recombinant proteins, peptides, or immunogenic truncated proteins of VP28, VP24, VP26, or VP19 present in the feed or the feed additive are the same as the

Applicants', the capacity to bind to and block, inhibit or retard binding viral receptors needed for WSSV infection in the gut of the animal is viewed as the intrinsic property inseparable from the prior art one or more recombinant proteins, peptides or immunogenic truncated proteins VP28, VP24, VP26, or VP19. The same two products cannot have mutually exclusive functional properties. That the prior art protein or peptide necessarily binds to and blocks viral receptors needed for WSSV infection in the gut of an animal is inherent from the teachings of Kyle *et al.* in light of what is known in the art. For instance, Yi *et al.* teach that WSSV VP28 participates in the infection process of the WSSV, binds with receptors on the shrimp cell surface, and specifically competes with WSSV to bind to the cells. See page 729, left column on page 731; right column of page 732; Figure 5; and first paragraph under 'Discussion'.

Claims 17-26, 32 and 33 are anticipated by Kyle *et al.* The publication of Yi *et al.* is **not** used as a secondary reference in combination with the reference of Kyle *et al.*, but rather is used to show that every element of the claimed subject matter is disclosed by Kyle *et al.*, with the unrecited limitation(s) being inherent as evidenced by the teaching of Yi *et al.* See *In re Samour* 197 USPQ 1 (CCPA 1978). Yi's extrinsic evidence makes clear that the competitive specific binding to receptors is necessarily present in the feed or the feed additive thing described by Kyle *et al.* The feed or the feed additive of Kyle *et al.* clearly anticipates the instantly claimed feed or the feed additive of the instant invention, because Kyle *et al.* taught the very feed or the feed additive of the instantly claimed invention. Since the structural limitations of the instantly claimed invention and *all* of the structural criteria required by the instant claims are met by the disclosure of Kyle *et al.*, Kyle's feed or feed additive is expected to necessarily have the same functions as the instantly claimed feed or feed additive.

**17)** Claims 17-26, 32 and 33 are rejected under 35 U.S.C. § 102(e)(1) as being anticipated by Sayre *et al.* (US 7,410,637, of record) as evidenced by Yi *et al.* (*J. Biochem. Mol. Biol.* 37: 726-734, November 2004).

The transitional limitation ‘comprising’ represents open-ended claim language and therefore does not exclude additional, unrecited elements. See M.P.E.P 2111.03 [R-1]. See *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261, 229 USPQ 805 (Fed. Cir. 1986); *In re Baxter*, 656 F.2d 679, 686, 210 USPQ 795, 803 (CCPA 1981); *Ex parte Davis*, 80 USPQ 448, 450 (Bd. App. 1948) (‘comprising’ leaves ‘the claim open for the inclusion of unspecified ingredients even in major amounts’).

Sayre *et al.* taught feed pellets comprising algae expressing recombinant WSSV VP28, VP26, VP24 and/or VP19 proteins for use in feeding crustacean shrimps. The shrimps fed with the algae expressing the WSSV VP proteins are protected from WSSV infection. See Example 5 and column 12. The algae used are *Chlorella* species or *Chlamydomonas* species. See columns 8-12. The recombinantly expressed prior art protein or peptide is at least semi-purified since it does not contain other antigens of White Spot Syndrome Virus. Since the prior art prior art one or more recombinant proteins, VP28, VP24, VP26, or VP19, are the same as the Applicants’, the capacity to bind to and block, inhibit or retard binding to viral receptors needed for WSSV infection in the gut of the animal is viewed as the intrinsic property inseparable from the prior art one or more recombinant proteins or peptides VP28, VP24, VP26, or VP19.

Claims 17-26, 32 and 33 are anticipated by Sayre *et al.* The publication of Yi *et al.* is **not** used as a secondary reference in combination with the reference of Sayre *et al.*, but rather is used to show that every element of the claimed subject

matter is disclosed by Sayre *et al.*, with the unrecited limitation(s) being inherent as evidenced by the teaching of Yi *et al.* See *In re Samour* 197 USPQ 1 (CCPA 1978). Yi's extrinsic evidence makes clear that the competitive specific binding to receptors is necessarily present in the feed or the feed additive thing described by Sayre *et al.* The feed or the feed additive of Sayre *et al.* clearly anticipates the instantly claimed feed or the feed additive of the instant invention, because Sayre *et al.* taught the very feed or the feed additive of the instantly claimed invention. Since the structural limitations of the instantly claimed invention and *all* of the structural criteria required by the instant claims are met by the disclosure of Sayre *et al.*, Sayre's feed or feed additive is expected to necessarily have the same functions as the instantly claimed feed or feed additive.

### **Rejection(s) under 35 U.S.C. § 103**

**18)** The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth In *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. § 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**19)** Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over

Kyle *et al.* (US 2004/0081638) or Sayre *et al.* (US 7,410,637, of record) as applied to claim 20 above, and further in view of Nakamura *et al.* (JP 2000354490 A, abstract, of record).

The references of Kyle *et al.* or Sayre *et al.* are applied in this rejection because these qualify as prior art under subsection (e) of 35 U.S.C § 102 and accordingly are not disqualified under U.S.C 103(a).

The teachings of Kyle *et al.* or Sayre *et al.* are described above which do not expressly teach that the *Chlorella* strain they used is *Chlorella vulgaris*.

However, it was well known in the art at the time of the invention that the *Chlorella* strain routinely used as a host cell to express a protein or a peptide is *Chlorella vulgaris*. For example, Nakamura *et al.* taught the routine use of *Chlorella vulgaris* as a host cell for recombinant expression of a protein or a peptide. See abstract.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Nakamura's *Chlorella vulgaris* strain in place of Kyle's or Sayre's generically recited *Chlorella* strain to produce the instant invention with a reasonable expectation of success. Substitution of one art-known *Chlorella* strain with another, alternative, art-known strain of *Chlorella* strain such as Nakamura's *Chlorella vulgaris* strain for the same purpose of expressing a protein or peptide was well within the realm of routine experimentation, would have been obvious to one of ordinary skill in the art, and would have brought about similar predictable results.

Claim 34 is *prima facie* obvious over the prior art of record.

### Remarks

**20)** Claims 17-26 and 32-34 stand rejected.

**21)** Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicants are reminded of the extension of time policy as set forth in 37 C.F.R 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**22)** Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. The Fax number for submission of amendments, responses and/or papers is (571) 273-8300, which receives transmissions 24 hours a day and 7 days a week.

**23)** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAA system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to

the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

**24)** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 7.15 a.m. to 4.15 p.m. except one day each bi-week, which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Acting Examiner's supervisor, Robert Mondesi, can be reached on (571) 272-0956.

/S. Devi/  
Primary Examiner  
AU 1645

August, 2010